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AN ENVIRONMENTAL LAW PRACTICE

October 31, 2003

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Brendan K. Collins, Esquire
Ballard Spahr Andrews & Ingersoll, LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599

Re: Folcroft Landfill Superfund Site ("Site")

Dear Brendan:

I am writing on behalf of the Third-Party Practice Sub-Committee of the Folcroft Landfill PRP Group that has formed to address issues relating to the performance of the RI/FS at the Site. The Third-Party Practice Sub-Committee has received a copy of your October 27, 2003 letter to Henry Sokolowski. In your letter on behalf of the Hospital of the University of Pennsylvania ("HUP"), you assert that "there is nothing . . . to suggest that the Hospital arranged for the disposal of hazardous substances" to the Site. In addition, you assert that to the extent HUP's materials contain "hazardous substances," they contain no more than ordinary municipal waste and therefore HUP anticipates that joining the PRP Group would be both "impractical and unreasonable." As set forth below, we believe both assertions are incorrect.

The Third-Party Practice Sub-Committee has reviewed carefully all of the information relating to HUP's nexus to the Site. In particular, we have reviewed HUP's 104(e) response, numerous witness interviews and hauling tickets for Tri-County Hauling, Inc., HUP's transporter during the relevant time period. This information confirms the following: (1) that HUP disposed of a substantial quantity of waste at the Site, not all of which can be classified as municipal waste; (2) that HUP's waste contained pathological and medical waste; and (3) that HUP's pathological and medical waste contained various hazardous substances including infectious materials, bandages, blood products, needles and other materials, which as you know cannot be commingled with or disposed as municipal waste today. Based on the wide range of evidence

Brendan K. Collins, Esquire
October 31, 2003
Page 2

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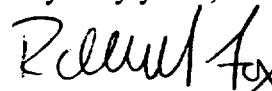
developed by EPA, HUP qualifies as a liable party under Superfund. EPA has reached the same conclusion.

The PRP Group also disputes HUP's assertion that its waste is somehow "different in character" from the waste that other members of the PRP Group generated or transported to the Site. As an example, the very hauler who transported HUP's waste to the Site joined the PRP Group as did another transporter of similar waste. Those parties recognized that issues relating to the quantity and nature of the waste disposed at the Site will be resolved when allocation issues are addressed, rather than at this stage of the proceedings. You should also note that the PRP Group has expressly avoided such allocation discussions and instead focused its efforts on working cooperatively with one another and with EPA to design a cost-effective and environmentally protective approach to investigating and remediating the Site.

The Third-Party Practice Sub-Committee understands the concerns you raised, but believes strongly that there is clear and undeniable evidence establishing HUP's liability at the Site. The Third-Party Practice Sub-Committee also believes strongly that it is both reasonable and practicable for HUP, and various other area hospitals also implicated by the witness testimony, to join the PRP Group and participate in shaping the PRPs' approach to the Site, rather than litigating with the PRPs in the future.

I welcome the opportunity to discuss these issues and the advantages of joining the PRP Group at your earliest convenience and would hope that HUP would prefer to be involved in the decisions shaping the PRP Group's negotiations with EPA now rather than being asked to pay its share of those costs in the future after having no role in determining the steps to be taken.

Very truly yours,



Robert D. Fox
For MANKO, GOLD, KATCHER & FOX, LLP

RDF/kl

cc: Mr. Henry Sokolowski
Brian Nishitani, Esquire
Folcroft Landfill Steering Committee

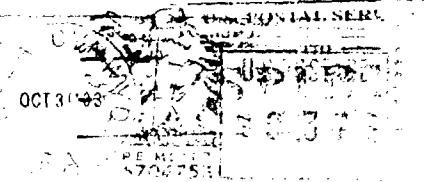
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